

**EIGHTY SECOND DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, April 1, 2011

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Roach and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Marcos Campos and Nathaniel Campos, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Madam President. I just noted on our desk today the notification of the passing of former Representative Peggy Johnson. Representative Johnson and I served for three terms in the House of Representative, a wonderful person, very hard worker. She had a great sense of humor and I will always remember her for her bipartisanship. We had town hall meetings together for many years and I think they were very much appreciated by the constituents to have both the Republican and Democrat there. One thing that maybe you don’t remember about Peggy, she was a very strong Republican and chair of her party in Mason County and her husband Wes ran for the legislature twice and with no success and Peggy said, ‘You know, it’s my turn. I think I can do that.’ She was a fantastic campaigner, a person that could go into a room and just meet everyone and connect with them so well. She did a wonderful job for the Thirty-Fifth District, we will all miss her and her services are this Saturday, tomorrow at 2 p.m. Thank you.”

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9150, Val Ogden, as a member of the State School for the Deaf, Board of Trustees, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senator Swecker was excused.

APPOINTMENT OF VAL OGDEN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9150, Val Ogden as a member of the State School for the Deaf, Board of Trustees.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9150, Val Ogden as a member of the State School for the Deaf, Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Absent: Senator Roach

Excused: Senator Swecker

Gubernatorial Appointment No. 9150, Val Ogden, having received the constitutional majority was declared confirmed as a member of the State School for the Deaf, Board of Trustees.

MOTION

On motion of Senator Ericksen, Senator Roach was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator White moved that Gubernatorial Appointment No. 9141, Richard Thompson, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator White spoke in favor of the motion.

APPOINTMENT OF RICHARD THOMPSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9141, Richard Thompson as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9141, Richard Thompson as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

Gubernatorial Appointment No. 9141, Richard Thompson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1575, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Green, Van De Wege, Moeller and Jinkins)

Clarifying which surgical facilities the Washington state department of health is mandated to license pursuant to chapter 70.230 RCW.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1575.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1575 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Tom, White and Zarelli

Voting nay: Senators Baxter, Holmquist Newbry and Stevens  
Excused: Senator Swecker

SUBSTITUTE HOUSE BILL NO. 1575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1181, by Representatives Green, Hinkle, Santos and Dickerson

Creating the Washington state board of naturopathy.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1181.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1181 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Voting nay: Senator Honeyford

Excused: Senator Swecker

HOUSE BILL NO. 1181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### POINT OF ORDER

Senator Delvin: "Do the senate rules allow for pages to sit at the members desk during business, senate business being conducted?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "The President had already expressed some concern but I was assured that that is a Senator, as difficult as it is to believe."

#### PERSONAL PRIVILEGE

Senator Fain: "Like to wish everyone a happy April Fool's day first of all. I also think that it is important at least one day a year take an opportunity to acknowledge our Page Program and the individuals that are able to take a part of that. Bonnie Henderson has twenty-six years as a page mother and Elwanda Bryant has twenty-three years as a page mother running this program. I don't believe they are in the chamber today but I imagine they are able to watch this on TVW. This is a great program. It's one of a kind in the nation and I think it is something that we all need take a moment to honor including the pages that were able to participate today and I'm doing my part by donning the burgundy jacket. I am disappointed that so many people still did not recognize me as Senator Fain but I would be happy to pass you any green notes that you need during session today. And again, I would like to give, with your permission Madam President, a round of applause to our Page Program."

#### PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Madam President. I just want to say that Senator Fain, you look better as a page than you do as a Senator."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "The President also recollects that there was at one point in history Senator Fain was scheduled to be my page. His mother reminded him of it but it didn't happen. I'd have whipped you into shape."

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1026, by House Committee on Judiciary (originally sponsored by

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Representatives Rolfes, Orcutt, Carlyle, Blake, Angel and McCune)

Specifying procedures for adverse possession actions. Revised for 1st Substitute: Changing provisions relating to adverse possession claims.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 7.28 RCW to read as follows:

(1) A party who prevails against the holder of record title at the time an action asserting title to real property by adverse possession was filed, or against a subsequent purchaser from such holder, may be required to:

(a) Reimburse such holder or purchaser for part or all of any taxes or assessments levied on the real property during the period the prevailing party was in possession of the real property in question and which are proven by competent evidence to have been paid by such holder or purchaser; and

(b) Pay to the treasurer of the county in which the real property is located part or all of any taxes or assessments levied on the real property after the filing of the adverse possession claim and which are due and remain unpaid at the time judgment on the claim is entered.

(2) If the court orders reimbursement for taxes or assessments paid or payment of taxes or assessments due under subsection (1) of this section, the court shall determine how to allocate taxes or assessments between the property acquired by adverse possession and the property retained by the title holder. In making its determination, the court shall consider all the facts and shall order such reimbursement or payment as appears equitable and just.

NEW SECTION. **Sec. 2.** This act applies to actions filed on or after July 1, 2012."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1026.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "possession;" strike the remainder of the title and insert "adding a new section to chapter 7.28 RCW; and creating a new section."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1026 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

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The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1026 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1026 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1026 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1353, by Representatives Rivers, Cody, Schmick, Moeller, Orcutt, Ladenburg, Dahlquist, Harris, Moscoso, Green and Kenney

Concerning continuing education for pharmacy technicians.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1353.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1353 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

HOUSE BILL NO. 1353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1585, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Eddy, Springer and Ryu)

Establishing the intrastate mutual aid system.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1585.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1585 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Tom, White and Zarelli

Excused: Senators Stevens and Swecker

SUBSTITUTE HOUSE BILL NO. 1585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1081, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Frockt and Moeller)

Regarding the siting of small alternative energy resource facilities.

The measure was read the second time.

#### MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds a growing interest in small scale renewable energy systems for the provision of electricity to homes and farms.

(2) While many local governments are interested in helping homeowners and farmers achieve energy self-sufficiency, the legislature finds that most local governments have little or no experience in siting and permitting these small scale renewable energy systems.

(3) The legislature finds that some small scale renewable energy systems may not be appropriate for certain locations and may at times face opposition from neighbors and the community.

(4) Therefore, the legislature finds a need for cities and counties to have technical assistance, model ordinances, and development regulations to assist them with the siting and permitting of small scale renewable energy systems.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department, in consultation with the Washington State University extension energy program and statewide county and city organizations, must recommend a range of model ordinances, all of which are to assist cities and counties in siting and permitting small scale renewable energy systems. The recommendations must take into consideration the size of an energy system, its generating capacity, and its appropriateness for small urban, large urban, suburban, and rural communities.

(2) Counties or cities without ordinances to site small scale renewable energy systems, must adopt the ordinances based upon recommendations developed by the department. However, any recommended ordinance may be tailored to meet local circumstances as long as the generating capacity threshold is met. An ordinance adopted under this subsection may be done concurrently with the scheduled updates provided in RCW 36.70A.130.

(a) A county is not required to adopt ordinances under this section for any facilities with a generating capacity greater than three and one-half kilowatts within residential areas.

(b) A county is required to adopt ordinances under this section for wind facilities with a generating capacity greater than three and one-half kilowatts and not more than five megawatts on agricultural and forest lands.

(c) A city is not required to adopt ordinances under this section for any facilities with a generating capacity greater than three and one-half kilowatts.

(3) For the purposes of this section, "small scale renewable energy systems" means: (a) A wind facility with a generating capacity of not more than five megawatts; and (b) any facility that meets the definition of a "net metering system" under RCW 80.60.010, except facilities that use biomass as a fuel.

NEW SECTION. **Sec. 3.** By December 31, 2012, the department of commerce must do the following with its recommendations developed under section 2 of this act: (1) Report the recommendations to the appropriate committees of the legislature; and (2) make the recommendations available for counties, cities, and statewide city and county organizations."

#### MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the committee striking amendment be adopted:

On page 1, line 28 of the amendment, after "adopt" strike "the ordinances based upon" and insert "an ordinance, considering the"

Senators Rockefeller and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

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The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 1, line 28 to the committee striking amendment to Substitute House Bill No. 1081.

The motion by Senator Rockefeller carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry, Honeyford and Rockefeller to the committee striking amendment be adopted:

On page 2, after line 14 of the amendment, insert the following:  
 "(d) No petition alleging noncompliance with this section may be heard under RCW 36.70A.280."

Senators Holmquist Newbry and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry, Honeyford and Rockefeller on page 2, after line 14 to the committee striking amendment to Substitute House Bill No. 1081.

The motion by Senator Holmquist Newbry carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted:

On page 2, after line 25, insert the following:

"NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2011, in the omnibus appropriations act, this act is null and void."

Senators Schoesler and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, after line 25 to the committee striking amendment to Substitute House Bill No. 1081.

The motion by Senator Schoesler carried and the amendment to the committee striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy as amended to Substitute House Bill No. 1081.

The motion by Senator Rockefeller carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "siting;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; and creating new sections."

#### MOTION

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On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1081 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1081 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1081 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

SUBSTITUTE HOUSE BILL NO. 1081 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1012, by Representatives Angel, Haler, Klippert, Fagan, Rolfes and Fitzgibbon

Authorizing four-year terms for planning commissioners.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1012.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1012 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

HOUSE BILL NO. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1103, by House Committee on Transportation (originally sponsored by Representatives Kristiansen, Morris and Armstrong)

Modifying the use of television viewers in motor vehicles.

The measure was read the second time.

#### MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be adopted:

On page 1, line 11, after "road" insert ", except for live video of the motor vehicle backing up"

Senators Haugen and King spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Substitute House Bill No. 1103.

The motion by Senator Haugen carried and the committee amendment was adopted by voice vote.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1103 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1103 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1103 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

Excused: Senator Swecker

SUBSTITUTE HOUSE BILL NO. 1103 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:18 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 6:59 p.m. by Senator Fraser.

#### MOTION

On motion of Senator Rockefeller, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 31, 2011

SB 5465 Prime Sponsor, Senator Keiser: Creating the safety net assessment to fund services for people with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Brown; Conway; Fraser; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Baxter; Holmquist Newbry; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Baumgartner and Honeyford.

Passed to Committee on Rules for second reading.

April 1, 2011

SB 5581 Prime Sponsor, Senator Keiser: Creating a nursing home safety net assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Brown; Conway; Fraser; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Rockefeller.

Passed to Committee on Rules for second reading.

April 1, 2011

SB 5907 Prime Sponsor, Senator Kohl-Welles: Implementing the policy recommendations resulting from the national institute of corrections review of prison safety. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5907 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Parlette; Holmquist Newbry and Honeyford.

Passed to Committee on Rules for second reading.

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SB 5911 Prime Sponsor, Senator Murray: Concerning the master license service program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

Passed to Committee on Rules for second reading.

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SHB 1136 Prime Sponsor, Committee on Transportation: Creating volunteer firefighter special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

April 1, 2011

E2SHB 1186 Prime Sponsor, Committee on General Government Appropriations & Oversight: Concerning requirements under the state's oil spill program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner; Brown; Conway; Fraser; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Baxter and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Holmquist Newbry and Pflug.

Passed to Committee on Rules for second reading.

April 1, 2011

ESHB 1224 Prime Sponsor, Committee on Ways & Means: Concerning a business and occupation tax deduction for amounts received with respect to mental health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 31, 2011

SHB 1237 Prime Sponsor, Committee on Transportation: Concerning federal selective service registration upon application for an instruction permit, intermediate license, driver's license, or identicard. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2011

SHB 1329 Prime Sponsor, Committee on Transportation: Creating "Music Matters" special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2011

EHB 1382 Prime Sponsor, Representative Clibborn: Concerning the use of express toll lanes in the eastside corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2011

ESHB 1421 Prime Sponsor, Committee on Agriculture & Natural Resources: Providing authority to create a community forest trust. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Baxter and Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Pflug.

Passed to Committee on Rules for second reading.

April 1, 2011

SHB 1431 Prime Sponsor, Committee on Education: Addressing financial insolvency of school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 1, 2011

E2SHB 1443 Prime Sponsor, Committee on Education Appropriations & Oversight: Concerning continuing education reforms, including implementing recommendations of the quality education council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 1, 2011

ESHB 1509 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the forestry riparian easement program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Marine Waters. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Holmquist Newbry; Honeyford; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 31, 2011

SHB 1516 Prime Sponsor, Committee on Transportation: Concerning the performance of state ferry system management. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; King; Fain; Delvin; Eide; Hill; Hobbs; Litzow; Prentice; Sheldon; Shin and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Nelson and Ranker.

Passed to Committee on Rules for second reading.

April 1, 2011

E2SHB 1599 Prime Sponsor, Committee on Ways & Means: Establishing the pay for actual student success dropout prevention program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pflug; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Baxter; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

March 31, 2011

ESHB 1635 Prime Sponsor, Committee on Transportation: Concerning the administration of exams for and issuance and renewal of certain drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2011

SHB 1700 Prime Sponsor, Committee on Transportation: Modifying the requirements related to designing various transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; Fain; Delvin; Eide; Ericksen; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Hill.

Passed to Committee on Rules for second reading.

March 31, 2011

E2SHB 1789 Prime Sponsor, Committee on Transportation: Addressing accountability for persons driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2011

ESHB 1790 Prime Sponsor, Committee on Ways & Means: Addressing school district contracts with direct practice health providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 31, 2011

ESHB 1886 Prime Sponsor, Committee on Local Government: Implementing recommendations of the Ruckelshaus Center process. Reported by Committee on Ways & Means

EIGHTY SECOND DAY, APRIL 1, 2011

2011 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Rockefeller and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baxter and Pflug.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 1, 2011

MOTION

2SHB 1903 Prime Sponsor, Committee on Education Appropriations & Oversight: Requiring background checks for all child care licensees and employees. Reported by Committee on Ways & Means

On motion of Senator Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated.

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Regala; Rockefeller and Schoesler.

MOTION

At 7:01 p.m., on motion of Senator Rockefeller, the Senate adjourned until 12:00 noon, Monday, April 4, 2011.

Passed to Committee on Rules for second reading.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

March 31, 2011

EHB 1969 Prime Sponsor, Representative Hasegawa: Concerning the exemption of flood control zone districts that are coextensive with a county from certain limitations upon regular property tax levies. Reported by Committee on Ways & Means



1012	1575-S
Second Reading.....5	Second Reading ..... 2
Third Reading Final Passage .....5	Third Reading Final Passage.....2
1026-S	1585-S
Other Action.....3	Second Reading ..... 4
Second Reading.....3	Third Reading Final Passage.....4
Third Reading Final Passage .....3	1599-S2
1081-S	Committee Report..... 8
Other Action.....5	1635-S
Second Reading.....4, 5	Committee Report..... 8
Third Reading Final Passage .....5	1700-S
1103-S	Committee Report..... 8
Other Action.....6	1789-S2
Second Reading.....6	Committee Report..... 8
Third Reading Final Passage .....6	1790-S
1136-S	Committee Report..... 8
Committee Report .....7	1886-S
1181	Committee Report..... 8
Second Reading.....2	1903-S2
Third Reading Final Passage .....2	Committee Report..... 9
1186-S2	1969
Committee Report .....7	Committee Report..... 9
1224-S	5465
Committee Report .....7	Committee Report..... 6
1237-S	5581
Committee Report .....7	Committee Report..... 6
1329-S	5907
Committee Report .....7	Committee Report..... 6
1353	5911
Second Reading.....3	Committee Report..... 7
Third Reading Final Passage .....3	9141 Richard Thompson
1382	Confirmed..... 1
Committee Report .....7	9150 Val Ogden
1421-S	Confirmed..... 1
Committee Report .....7	PRESIDENT OF THE SENATE(SENATOR PRENTICE
1431-S	PRESIDING)
Committee Report .....7	Remarks by the President Pro Tempore ..... 2
1443-S2	Reply by the President Pro Tempore..... 2
Committee Report .....8	WASHINGTON STATE SENATE
1509-S	Personal Privilege, Senator Fain ..... 2
Committee Report .....8	Personal Privilege, Senator Hewitt..... 2
1516-S	Personal Privilege, Senator Sheldon ..... 1
Committee Report .....8	Point of Order, Senator Delvin..... 2